IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8928 of 2005

Between:

Kurati Eswara Rao, S/o. Vadapalli,
Pashuvulalanka, I.Polavarm Mandal, E.G.District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Amalapuram, E.G.District.
2 The Mandal Revenue Officer, I.Polavaram Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of direction preferably writ of mandamus declaring the action of the respondent in not considering the claim of the petitioner for assignment of land to an extent of Ac.2.20 cents in Sy.No.516 at Pasuvulanka village, I.Polavaram Mandal, E.Godavari District, despite recommendations issue in letter dt.10.01.2005 and 09-11-2004, is illegal, arbitrary and violative of Art.21 of the Constitution of India and consequently direct the respondent to consider the case of the petitioner for assignment of the above land as per the recommendations of the above letters and pass such other or further as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

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O R D E R:

The petitioner seeks a writ of Mandamus declaring the alleged action of the respondents in not considering the claim of the petitioner for assignment of the land to an extent of Ac.2-20 cents in Survey No.516 at Pasuvulanka village, I Polavaram Mandal, East Godavari District as arbitrary and illegal.

The petitioner states that the land to an extent of Ac.2-20 cents in Survey No.516 situated at Pasuvulalanka village of I. Polavaram Mandal, East Godavari District, was occupied by his father long back and since then they have been in continuous possession and enjoyment of the same. It is further stated that on 27-10-2004, the second respondent issued a notice to the petitioner informing that an enquiry will be conducted on his application and calling upon him to attend the office for the purpose of showing evidence with regard to the land in his possession. The petitioner states that accordingly he has appeared before the second respondent and submitted the necessary documents in support of his claim.

The grievance of the petitioner is that thereafter the second

respondent has not passed any order, but in the meanwhile, the respondents are taking steps to dispossess him highhandedly.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents and particularly keeping in view the fact that a notice was already issued to the petitioner on 27-10-2004 based on his application and the fact that the petitioner has submitted the necessary material as required by the second respondent, I deem it appropriate to dispose of the writ petition, with a direction to the second respondent to consider the request of the petitioner in the light of the material produced by him in response to the notice dated 27.10.2004 and to pass appropriate orders in accordance with law on the representation made by the petitioner for assignment of the land in his possession, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the possession of the petitioner in respect of the land-in-question. No costs.

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(G.ROHINI, J)

Date: 21-04-2005

ghn

To

1 The Revenue Divisional Officer, Amalapuram, E.G.District.
2 The Mandal Revenue Officer, I.Polavaram Mandal, East Godavari District.

3 Two C.Cs to the Government Pleader for Revenue, High Court Buildings,

A.P., Hyderabad (OUT)

4 Two CD copies

5 One CC to MR.TUHIN KUMAR

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8928 OF 2005

OPERATIVE PORTION (BY WIRE):

The writ petition is disposed of with a direction to the second respondent to consider the material produced by the petitioner and to pass appropriate orders in accordance with law on the representation made by the petitioner for assignment of the land in his possession, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the possession of the petitioner in respect of the land-in-question.

The writ petition is accordingly disposed of. No costs.

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(G.ROHINI, J)

Date: 21-04-2005

Note:

1. Issue wire at party's costs.

2. Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

ghn